IN THE CLAIMS:

Please amend the claims to read as follows:

Claim 1 (Original): A DNA fragment in which a translation termination codon is inserted into the 5' upstream side of an active site of a lethal gene.

Claim 2 (Original): The DNA fragment according to claim 1, which has restriction enzyme cleavage sites in both terminal sides.

Claim 3 (Currently Amended): The DNA fragment according to claim 2 ~~or 3~~, wherein one or at least two translation termination codons are inserted.

Claim 4 (Currently Amended): The DNA fragment according to ~~any one of claims~~ claim 1 ~~to 3~~, wherein the active site encodes a colicin-derived polypeptide.

Claim 5 (Currently Amended): The DNA fragment according to ~~any one of claims~~ claim 1 ~~to 4~~, wherein the active site comprises a nucleotide sequence encoding the amino acid sequence represented by SEQ ID NO:18 or 19.

Claim 6 (Original): A DNA fragment which comprises the nucleotide sequence represented by SEQ ID NO:14.

Claim 7 (Currently Amended): The DNA fragment according to ~~any one of~~ claims 1 ~~to~~ or 6, wherein a neutralizing gene for the lethal gene is conjugated to the 3' downstream side of the active site of the lethal gene.

Claim 8 (Original): The DNA fragment according to claim 7, wherein the nucleotide sequence of the neutralizing gene is represented by SEQ ID NO:15.

Claim 9 (Currently Amended): A marker for transformant selection, which comprises the DNA fragment according to ~~any one of claims~~ claim 1 ~~to 8~~ or 6.

Claim 10 (Original): The marker for transformant selection according to claim 9, wherein the transformant is obtained by transforming *Escherichia coli*.

Claim 11 (Currently Amended): A recombinant vector into which the DNA fragment according to ~~any one of claims~~ claim 1 ~~to 8~~ or 6 is inserted.

Claim 12 (Original): The recombinant vector according to claim 11, which is free of an expression promoter for the lethal gene.